REMARKS

In response to the Official Action of December 3, 2004, claims 1-45 have been amended in a manner which is believed to overcome the rejections recited at paragraphs 2-6 of the Official Action. The claims have also been amended to delete the parenthetical references to elements shown in the figures and to correct minor grammatical errors contained therein.

Referring now to paragraph 2 of the Official Action, it is respectfully submitted that claims 1, 3, 4, 6, 11, 12, 14, 16, 17, 30 and 31 are not anticipated in view of US patent 6,295,448, Hayes, Jr. et al (hereinafter Hayes). Regarding claim 1, Hayes discloses transmitting, first over the mobile telephone system, information identifying the communication format to the mobile telephone and the remote device. After this transmission, it transmits a remote control command by the mobile telephone in a point-to-point communication to the remote device on the assigned communication path using the assigned communication format. This communication path has been removed from a set of communication paths allocated for use by the mobile telephone system. It is specifically pointed out in Hayes at column 3, lines 18-32 that: "Communication is effectuated in the present invention in a manner such that the infrastructure of the mobile telephone system is never used as an intermediary to carry voice and/or data traffic between...the mobile telephone and the other device." Thus, Hayes does not disclose or suggest a control system that receives a control message transmitted from a wireless communication device via a mobile communication network wherein the control message is a response to an identification message transmitted from the control system. Furthermore, Hayes does not disclose or suggest transmitting the identification message by the control system in a point-to-point communication to the wireless communication device prior to assigning the communication path to the mobile telephone and the remote device. In short, the system disclosed in Hayes system does not allow direct communication of the identification message unidirectionally over the communication path prior to assigning the communication path to the mobile telephone and the remote device. After assigning the communication path to the mobile telephone and the remote device, the mobile telephone system is no longer involved in transmitting the control message.

Claim 1 as amended specifically points out that the control system comprises means for setting up a short distance second data transmission connection to a wireless communication device when the wireless communication device is within said short distance and that the second data transmission connection is arranged for transmitting at least an identification message to the wireless communication device. The identification message contains data for identifying the control system. Furthermore, the control system has means for receiving a control message as a response to said identification message via a communication path from a mobile communication network wherein the mobile communication network is arranged to set up a wireless first data transmission connection to the wireless communication device for the transmission of said control messages and wherein the mobile communication network comprises authentication means for identifying the wireless communication device and allowing or preventing the transmission of the control message. Furthermore, the control system comprises processing means at least for interpreting the control message transmitted from the wireless communication device and received via the communication channel from the mobile communication network, wherein the control message comprises at least data for controlling the control system in a desired manner. For all of the foregoing reasons, it is therefore respectfully submitted that claim 1 as amended is neither disclosed nor suggested by Hayes.

In view of the fact that claim 1 is distinguished over Hayes, it is respectfully submitted that claims 3, 4, 6, 11 and 12 are also distinguished over Hayes due to their dependency from claim 1. Furthermore, with regard to claim 3, this claim further recites that the control message contains at least the telephone number of the wireless communication device that sent the control message in order to identify the wireless communication device. In Hayes, it is disclosed that transmitting a remote control command by the mobile telephone in a point-to-point to communication to the remote device on the assigned communication path uses the assigned communication format. Hayes does not disclose a control message containing the telephone number of the wireless communication device sending the control message to the control system via the mobile communication network. For these additional reasons, it is respectfully submitted that claim 3 is further distinguished over Hayes.

Claim 6 recites the control system of claim 1 further comprising a memory means for storing at least one acceptable key code, wherein as a response to the control message the processing means are arranged to transmit an acknowledgment message via the communication channel to the mobile communication network to be transmitted to the wireless communication device, wherein the acknowledgment message comprises data on the at least one acceptable key code to be supplemented with a new control message to be transmitted from the wireless communication device and further wherein the new control message is arranged to be received via the second data transmission connection. In Hayes, it is disclosed that there is direct communication of remote control commands bi-directionally between the mobile telephones or other devices over the communication path with no involvement of the mobile telephone system. Thus, Hayes does not disclose transmitting an acknowledgment message to the wireless communication device by the control system via the mobile communication network, the acknowledgment message being transmitted as a response to a control message transmitted to the control system via the mobile communication network. As a result, it is respectfully submitted that claim 6 is further distinguished over Hayes.

Independent claim 14 is directed to a wireless communication device for controlling a control system which comprises means for setting up a wireless first data transmission connection to a mobile communication network, means for setting up a short distance wireless second data transmission connection for receiving messages, control means for generating messages to be transmitted and for interpreting received messages and memory means for storing messages; wherein these means are arranged for receiving an identification message via the second data transmission connection from the control system when the control system is within the short distance, the identification message containing data for identifying the control system and wherein the means are arranged for transmitting a control message as a response to the identification message via the wireless first data transmission connection to the control system, the control message containing data for controlling the control system in a desired manner and further wherein the mobile communication network comprises authentication means for identifying the wireless communication device and allowing or preventing the transmission of the control message. For reasons similar to those presented above with regard to claim 1, this

claim is believed to be distinguished over Hayes. More particularly, Hayes does not disclose a wireless communication device transmitting a control message to a control system via a mobile communication network wherein the control message is a response to an identification message transmitted from the control system. Hayes does not disclose transmitting the identification message by the control system in a point-to-point communication to the wireless communication device prior to assigning the communication path to the mobile telephone and the remote device. It is therefore, respectfully submitted that claim 14 is distinguished over Hayes.

Claim 16 is an independent claim directed to a control system with elements similar to claim 14. For reasons similar to those presented above with regard to claim 14, it is believed to be distinguished over Hayes. The control system in claim 16 further recites that as a response to the control message, the processing means are arranged to transmit an acknowledgment message via a communication channel to the mobile communication network and to the wireless communication device, the acknowledgment message containing data on an acceptable key code to be added to a new control message to be transmitted from the wireless communication device and further wherein the new control message is arranged to be received via the wireless second data transmission connection. These features have been added to amended claim 16. In Hayes, it is disclosed that there is direct communication of remote control commands bi-directionally between the mobile telephone or other devices over the communication path with no involvement of the mobile telephone system (see above recited column 3, lines 17-32). Hayes does not disclose or suggest transmitting an acknowledgment message to the wireless communication device by the control system via the mobile communication network, the acknowledgment message being transmitted as a response to the control message transmitted to the control system via a short distance wireless data transmission connection. Furthermore, in claim 16 a new control message is also sent directly to the control system. In the system of Hayes, this is not possible because if there is a point-to-point communication so that a control message could be sent, then an acknowledgment message could not be sent via the mobile communication network. In Hayes, after assigning the communication path to the mobile telephone and the remote device, the mobile telephone system is no longer involved. For all of these reasons, claim 16 is believed to be distinguished over Hayes.

Independent claim 31 is directed to a wireless communication device for controlling a control system comprising means for setting up a wireless first data transmission connection to a mobile communication network, means for setting up a short distance wireless second data transmission connection which is arranged at least for receiving messages, control means for generating messages to be transmitted and for interpreting received messages, and memory means for storing messages, wherein the means are arranged for transmitting a control message via the second data transmission connection to the control system when the control system is within the short distance, the control message containing data for controlling the control system in a desired manner, wherein the means are also arranged for receiving as a response to the control message a key message via the mobile communication network, the key message containing data on an acceptable key code, the key code added to a new control message to be transmitted by the wireless communication device via the second data transmission connection to the control system. The arrangement of the means for receiving as a response to the control message a key message containing data on an acceptable key code and for adding the key code to a new control message to be transmitted by the wireless communication device via the second data transmission connection to the control system is newly presented in amended claim 31. For similar reasons as those presented above with regard to claims 1, 14 and 16, claim 31 is believed to be distinguished over Hayes.

Furthermore, Hayes discloses direct communication of remote control commands bi-directionally between the mobile telephones or other devices over the communication path with no involvement of the mobile telephone system. Hayes does not disclose transmitting a key message to a wireless communication device via the mobile communication network, the key message containing an acceptable key code and being transmitted as a response to the control message transmitted to the control system via a short distance wireless data transmission connection. Furthermore, in claim 31 a new control message is also sent directly to the control system. In the system of Hayes, this is not possible because if there is a point-to-point communication so that a control message could be sent, then an acknowledgment message could not be sent via the mobile communication network. In Hayes, after assigning the communication path to the mobile telephone and the remote device, the mobile telephone system is no longer

involved. Hayes also does not disclose or suggest transmitting a new control message containing the acceptable key code to the control system. For all of these reasons, claim 31 is further believed to be distinguished over Hayes.

Since independent claims 1, 14, 16 and 31 are believed to be distinguished over Hayes, it is respectfully submitted that dependent claims 2, 18, 19, 25, 26, 27, 28, 29, 35, 42 and 45 rejected at paragraph 4 as being obvious in view of Hayes further in view of US patent 5,875,395, Holmes, are distinguished over this combination of references due to their dependency from independent claims which are distinguished over the art. For similar reasons, dependent claims 5, 7, 13, 20, 22, 23, 24, 33, 34, 36, 37, 43 and 44 rejected at paragraph 5 as obvious in view of Hayes further in view of US patent 5,864,757, Parker, are distinguished over these cited references. Furthermore, dependent claims 8, 9, 10, 15, 21, 32, 38, 39, 40 and 41 as rejected at paragraph 6 of the Official Action in view of Hayes, further in view of Parker and Holmes are distinguished over these references in view of their dependency from claims which are distinguished over the art.

Referring now to paragraph 7 of the Official Action, it is respectfully submitted that the prior art made of record and not relied upon does not alone or in combination with the previously cited art does not anticipate or suggest any of the claims of the present application as amended. More particularly, US patent 5,963,624, Pulp, is directed to a digital cordless telephone with a remote control feature. This reference does not disclose or suggest any of the invented features of the control system and wireless communication device as set forth in the claims of the present application, including those specific features recited above with regard to distinguishing the present claims over Hayes.

US patent 6,671,522, Beaudou, is directed to a terminal that is controlled by a subscriber's identification module that cooperates with the terminal, the subscriber's identification module and terminal forming part of a mobile station included in a radio communication system. This reference does not disclose or suggest the control system and wireless communication device as set forth in the amended claims of the present application.

In view of the foregoing, it is respectfully submitted that the present application as amended is in condition for allowance and such action is earnestly solicited.

Respectfully submitted,

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